

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

McCAFFREE FINANCIAL CORP. and  
MARK McCaffree, individually, on  
behalf of all situated participants,  
beneficiaries, and plan sponsors or other  
fiduciaries, and on behalf of the ADP  
TOTALSOURCE RETIREMENT  
SAVINGS PLAN,

Plaintiff,

v.

ADP, INC.; ADP TOTALSOURCE  
GROUP,  
INC.; the ADMINISTRATIVE  
COMMITTEE  
OF THE ADP TOTALSOURCE  
RETIREMENT SAVINGS PLAN; 401K  
ADVISORS, INC. n/k/a NFP  
RETIREMENT,  
and DOES No. 1-10, Whose Names Are  
Currently Unknown,

Defendants.

Civil Action No.: 2:20-cv-05492-ES-  
MAH

**NOTICE OF MOTION TO  
DISMISS PLAINTIFFS'  
AMENDED COMPLAINT**

**Document Electronically Filed**

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**COUNSEL:**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs' Amended Complaint and Proposed Order, the undersigned attorneys for Defendants ADP, Inc., ADP TotalSource Group, Inc., and the Administrative Committee of the ADP TotalSource Retirement Savings Plan (“Defendants”), shall move this Court, pursuant to Federal Rule Civil Procedure 12(b)(6), at a time to be determined by the Court, before the Honorable Esther Salas, at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order dismissing Plaintiffs’ claims against Defendants and for such other relief the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

Dated: June 6, 2022

SEYFARTH SHAW LLP

By: /s/ Alnisa S. Bell

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*Attorney for Defendants ADP, Inc.,  
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Administrative Committee of the  
ADP Totalsource Retirement Savings  
Plan*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she electronically filed the foregoing Motion to Dismiss Plaintiffs' Amended Complaint with supporting papers, with the Clerk of the United States District Court for the District of New Jersey using the CM/ECF system on this 6th day of June, 2022, which sent notification of such filing to the following counsel of record:

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Dated: June 6, 2022

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